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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,606	06/26/2000	Shigeru Ogino	B208-1098	3411
26272	7590	02/10/2004	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			PHILIPPE, GIMS S	
			ART UNIT	PAPER NUMBER
			2613	4

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/603,606

Applicant(s)

OGINO ET AL.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46,47 and 53-64 is/are allowed.
- 6) ☒ Claim(s) 1,10-12,20,25-27,33,36,40 and 48 is/are rejected.
- 7) ☒ Claim(s) 2-9,13-19,21-24,28-32,34,35,37-39,41-45 and 49-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first office action in response to application no. 09/603,606 filed on June 26<sup>th</sup> 2000 in which claims 1-64 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12, 20, 25, 26, 27, 33, 36, 40, and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US Patent no. 6,549,650) in view of Zanen (US Patent no. 5,883,662).

Regarding claims 1, 12, 20, 25, 26, 27, 33, 36, 40, and 48, Ishikawa discloses an image pickup apparatus, comprising an image pickup means for picking up an image of an object, an optical system arrangement to cause the image to be formed on the image pickup device (See col. 19, lines 22-29), a pair of shutters disposed symmetrically with respect to an optical axis of the optical system and arranged to time-divisionally transmit right and left parallax images of the object (See col. 19, lines 31-37), a pair of mirrors disposed symmetrically with respect to the optical axis and arranged to respectively

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reflect and lead to the optical system the right and the left parrallactic images transmitted by the pair of shutters (See col. 1, lines 60-63), object-distance information detecting means for detecting an object distance indicative of a distance to the object (See col. 3, lines 32-36).

It is noted that Ishikawa is silent about a convergence-distance deciding means for deciding, on the basis of the detected object distance, a convergence distance indicative of a distance to an intersection of optical axes defined by the pair of mirrors, and driving means for driving the pair of mirrors in such a way as to attain the decided convergence distance.

Zanen discloses image pickup apparatus including a convergence-distance deciding means for deciding, on the basis of the detected object distance, a convergence distance indicative of a distance to an intersection of optical axes defined by the pair of mirrors, and driving means for driving the pair of mirrors in such a way as to attain the decided convergence distance (See Zanen's Abstract, col. 3, lines 56-67, col. 5, lines 59-67 and col. 6, lines 1-11).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Ishikawa's focusing means of the image pickup device by providing Zanen's convergence-distance deciding means for deciding, on the basis of the detected object distance, a convergence distance indicative of a distance to an intersection of optical axes defined by the pair of mirrors, and driving means for driving the pair of mirrors in such a way as to attain the decided convergence distance. The motivation for performing such a modification in Ishikawa is

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to determine the position of an element in three-dimensions as taught by Zanen (See Zanen col. 4, lines 4-7).

***Allowable Subject Matter***

3. Claims 2-9, 13-19, 21-24, 28-32, 34-35, 37-39, 41-45, 49-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 46-47, and 53-64 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowed since the prior art does not teach or suggest " an image pickup apparatus with three mode of convergence wherein the third mode in which the convergence distance is longer than the object distance, and wherein a convergence-distance deciding means decides the convergence distance based on one of the modes."

The prior art further fails to teach or suggest "an image pickup apparatus with modes changeover means for changing over a mode of the image pickup apparatus between 3-D photographing mode and 2-D photographing mode wherein the left and right

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parallactic images reflected by a pair of mirrors are picked up and a 2-D photographing modes in which only the image reflected by one of the pair of mirrors is picked up.”.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marks et al. (US Patent no. 399087) teaches 3-Dimensional camera.

Marks et al. (US Patent no. 4178090) teaches 3-Dimensional camera.

Land et al. (US Patent no. 3622242) teaches stereoscopic rangefinder with movable reticles.

Utagawa (US Patent no. 5761549) teaches distance measuring device for camera.

Perisic (US Patent no. 4678298) teaches method and apparatus for three-dimensional photography.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

February 5, 2004



**GIMS PHILIPPE**  
**PRIMARY EXAMINER**